

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PERCY JAMES PEARCE,	)	
	)	
Plaintiff(s),	)	No. C06-6357 BZ
	)	
v.	)	<b>SCHEDULING ORDER</b>
	)	
JOANNE B. BARNHART,	)	
Commissioner of Social	)	
Security Administration,	)	
	)	
Defendant(s).	)	
_____	)	

Having received defendant's motion to dismiss plaintiff's complaint, **IT IS HEREBY ORDERED** as follows:

1. Plaintiff's opposition to the motion shall be filed by **Wednesday, May 9, 2007.**

2. Defendant's reply shall be filed by **Wednesday, May 16, 2007.**

3. A hearing on the motion shall be held on **Wednesday, May 30, 2007, at 10:00 a.m.,** in Courtroom G, 15th Floor, Federal Building, San Francisco, California 94102.

Plaintiff is further notified as follows: The defendant has made a motion to dismiss pursuant to Rule 12(b) of the

1 Federal Rules of Civil Procedure, based in part on the ground  
2 that you have not exhausted your administrative remedies.  
3 The motion will, if granted, result in the dismissal of your  
4 case. When a party you are suing makes a motion to dismiss  
5 for failure to exhaust, and that motion is properly supported  
6 by declarations (or other sworn testimony) and/or documents,  
7 you may not simply rely on what your complaint says.  
8 Instead, you must set out specific facts in declarations,  
9 depositions, answers to interrogatories, or documents, that  
10 contradict the facts shown in the defendant's declarations  
11 and documents and show that you have in fact exhausted your  
12 claims. If you do not submit your own evidence in  
13 opposition, the motion to dismiss, if appropriate, may be  
14 granted and the case dismissed. Additionally, plaintiff is  
15 encouraged to consult the Civil Local Rules and the Handbook  
16 for Litigants Without A Lawyer, which are both available at  
17 the Court's website at <http://www.cand.uscourts.gov/>.

18 Dated: April 20, 2007

19 

20 Bernard Zimmerman  
21 United States Magistrate Judge

22 G:\BZALL\BZCASES\PEARCE\SCH.ORD.wpd  
23  
24  
25  
26  
27  
28